

**§ 27A-4-1 OKLAHOMA EMERGENCY
RESPONSE ACT**

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§27A-4-1-101. Short title - Purpose.

- A. This article shall be known and may be cited as the "Oklahoma Emergency Response Act".
- B. The purpose of the Oklahoma Emergency Response Act is to:
1. Provide a rapid, coordinated and effective network for response to dangerous substances incidents or events necessary to protect the public health and safety and the environment of this state, and to preserve property;
 2. Provide direction and information to responders for the management of dangerous substances incidents or events;
 3. Reduce duplication of effort between local, county and state entities; and
 4. Organize, prepare and coordinate all state available manpower, materials, supplies, equipment, facilities and services necessary for dangerous substances response.

§27A-4-1-102. Definitions.

For purposes of the Oklahoma Emergency Response Act:

1. "State environmental agency" includes:
 - a. the Oklahoma Water Resources Board,
 - b. the Corporation Commission,
 - c. the State Department of Agriculture,
 - d. the Oklahoma Conservation Commission,
 - e. the Department of Wildlife Conservation,
 - f. the Department of Mines and Mining,
 - g. the Department of Public Safety,
 - h. the Department of Labor,
 - i. the Department of Environmental Quality, and
 - j. the Department of Civil Emergency Management;
2. "Lead official" means the person designated by the contact agency to be the official in charge of the on-site management of the emergency;
3. "Emergency" means a sudden and unforeseeable occurrence or condition either as to its onset or as to its extent, of such severity or magnitude that immediate emergency response or action is necessary to preserve the health and safety of the public or environment or to preserve property;

4. "Dangerous substance" means explosives, gases, flammable liquids and solids, poisons, radioactive materials, hazardous materials, deleterious substances, oil, or other substance or material in a quantity or form capable of posing an unreasonable risk to public health and safety, property or to the environment;
5. "Release" means a leakage, seepage, discharge, emission or escaping of a dangerous substance into the environment of the state;
6. "Extreme emergency" means any emergency which requires immediate protective actions;
7. "Protective actions" are those steps deemed necessary by first responders to an extreme emergency to preserve the health and safety of the emergency responders, the public and the protection of the environment and property during an incident involving the release of a dangerous substance.

Protective actions include but are not limited to area isolation, evacuation, dilution, cooling, encapsulation, chemical treatment and diking;

8. "First responder" means the first person to arrive at the scene of an incident involving the release of a dangerous substance who has the authority by virtue of that person's position as a local law enforcement officer, peace officer, fire protection officer or Oklahoma Highway Patrol Officer or other law enforcement officer;
9. "Contact agency" means a municipality, fire department or the Oklahoma Highway Patrol as determined by the location of an incident as follows:

Location	Contact Agency
a. Inside corporate municipal limits	Municipal Fire Department
b. Outside corporate limits on private property	Closest Municipal Fire Department
c. Outside corporate limits on federal/state public highway, property, county road, or a railroad;	Oklahoma Highway Patrol;

10. "Responsible party" means any person who owned, operated, or otherwise controlled activities at the facility at the time the incident or event involving releases of dangerous substances requiring protective actions occurred; and
11. "Facility" means:
 - a. any building, structure, installation, equipment, pipe or pipeline, including any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or
 - b. any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise came to be located, or
 - c. any vessel, including every description of watercraft or other artificial conveyance used, or capable of being used, as a means of transportation on water.

§27A-4-1-104. Liability for release of dangerous substance - Construction of act.

The provisions of the Oklahoma Emergency Response Act shall not be construed to effect or remove the liability of the person who owns the dangerous substance for injury or damages incurred as a result of the release of the dangerous substance.

§27A-4-1-106. Prosecution of violations - Actions for injunctive relief - Jurisdiction - Penalties.

- A. The Attorney General or the district attorney of the county where the release occurs may bring an action in a court of competent jurisdiction for the prosecution of a violation of the Oklahoma Emergency Response Act by the responsible party.
- B.
 - 1. Any action for injunctive relief to redress or restrain a violation of the Oklahoma Emergency Response Act by such responsible party may be brought by the district attorney of the county where the release occurred, as applicable, the contact agency, or the Attorney General or the Department of Environmental Quality on behalf of the State of Oklahoma.
 - 2. It shall be the duty of the Attorney General or district attorney, if so requested, to bring such actions.
- C. The court shall have jurisdiction to determine such action and to grant the necessary or appropriate relief including, but not limited to, mandatory or prohibitive injunctive relief and interim equitable relief, and for inhibiting emergency response to an incident, punitive damages.
- D. A responsible party who violates any of the provisions of, or who fails to perform any duty imposed by, the Oklahoma Emergency Response Act shall, upon conviction, be guilty of a misdemeanor and may be punished by a fine of not less than Two Hundred Dollars (\$200.00) and not more than Ten Thousand Dollars (\$10,000.00) per day for each violation.

Each day or part of a day upon which such violation occurs shall constitute a separate offense.